

**VILLAGE OF WESTMONT  
CODE ENFORCEMENT COMMITTEE OF THE BOARD**

Regular Meeting  
December 11, 2014

Call to Order

The meeting was called to order at 4:00 P.M. by Trustee Barker.

Roll Call

The following were in attendance:

Trustee Bruce Barker  
Fire Chief David Weiss  
Angela Whitehead, Code Enforcement  
Vicki Senesac, Code Enforcement  
Trustee Sue Seneca  
Jill Ziegler, Village Planner  
Police Chief Tom Mulhearn  
Village Manager Steve May  
Larry Forsberg, Chamber of Commerce  
Village Clerk Ginny Szymiski

Pledge of Allegiance

The Pledge of Allegiance was said.

Unfinished Business

Multi-Family Code Enforcement Progress and Improvements

Chief Mulhearn stated that they would like to put together a program with the Police, Fire, and Code Enforcement Departments. He would also like to have representatives from Commonwealth Edison and Nicor Gas. Staff could conduct exterior inspections of the apartments; and if invited in, could perform interior inspections.

Chief proceeded to explain how the program used to work when the Village had Safe and Secure Westmont and Home Rule, and what has happened since the Village lost the Multi-Family Licensing Program.

Chief further explained that he would like to put back together a team for "Safe and Secure Westmont." The Police Department had a meeting this week and discussed this and Chief said

that Police could do a little bit more regarding multi-family, and they could also help Code Enforcement a little bit more.

However, this new team could only do the exterior of the buildings. If the doors were unlocked, or if the inspector rang a bell and a resident let the inspector inside, staff could also inspect the interior.

Chief further stated that it is very hard to get in touch with the landlords for these buildings. It is hard to find out who the landlords are, or they will not return calls, or let inspectors or staff in the buildings.

The Ponds have a Management Company; however, they even have a hard time getting a hold of the landlords.

Chief passed out a list of all Police Department calls from January through November of this year, which notes that the Ponds have the most calls. A brief discussion followed.

Vicki stated that Joe Hennerfeind put together a checklist of what Code Enforcement can inspect on the exterior of the buildings.

The Fire Department explained the process of how they do their inspections at apartment complexes.

Chief Mulhearn also stated that during the "Safe and Secure Westmont" the Village had meetings with the team and all of the apartment managers. This seemed to work well as ideas were exchanged; however, after the first meeting, attendance started to fall.

Per Vicki, the following summarizes our prosecuting attorney Linda Pieczynski's thoughts on topics staff discussed regarding legalities for code enforcement on multi-family buildings:

1. Fire Inspectors do not have to close their eyes to what they see before them; however, if it is a violation not covered in the specific code granting them authority to inspect they need to take pictures and refer it to Code Enforcement. Code Enforcement can then write a violation letter based on the pictures. The problem would come in if the owner/tenant does not give consent to let us enter to reinspect. Staff would have to get an administrative search warrant, or take the matter to court. As part of the sentence, the court can impose a condition that staff can perform an inspection.
2. A tenant has the right to let staff in the building to perform an inspection in the common areas; this is considered third party consent.
3. The Village can create a pre-sale or change of occupancy inspection ordinance; however, it will be very difficult to enforce because staff does not have a mechanism to

know when a property changes hands or when a tenant changes. Linda Pieczynski has put together an Ordinance for another community that makes the Certificate of Occupancy expire when a tenant moves out. The landlord then has to get a new Certificate of Occupancy . It is a way to deal with the inability to license landlords. Staff has found that almost all of apartment Certificates of Occupancy have already been issued. This would be considered prior to any new ordinance being created; therefore, staff would not be able to take away a Certificate of Occupancy without due process.

4. Staff would have trouble making landlords file for a Business License because the business License requirement only covers occupations mentioned by State Law and leasing property is not included.

Chief Mulhearn stated that he had the Sheriff's Office people (SWAP) come out and clean our property on 67th Street and in front of Mariano's site (even though it isn't ours anymore). Parts of Cass Avenue, from Cordia to 35th, are also filled with litter that maybe they can also clean. Chief said that maybe he can look into having them come out quarterly (they will only clean public areas, not private property).

### New Business

### Quarterly Code Enforcement Update

Vicki stated that the Quarterly and 2014 Code Enforcement Update was included in the packets.

The final numbers for 2014 do not include the month of December, 2014. Through the end of November, 2014, staff had a total of 1,021 violations, most of which were staff initiated. Staff has had approximately a 95% compliance rate.

Staff served citations to two (2) properties for legal action due to non-compliance. The most significant case, which was a carryover from 2013, was the court-ordered demolition of 30 South Hudson. The other two (2) are cases still in Court.

Joe Hennerfeind from Code Enforcement Division has taken on additional responsibilities, such as checking zoning and lot coverage for building permits, sign permits, and inspections, and other building inspections.

315 West Quincy - The owner of this property was issued and served citations regarding incomplete work on a building permit and placing mulch in the public right-of way. This case is scheduled for Court on January 07, 2015.

505 North Grant - This was a foreclosure property. It went to Sheriff's sale and was deeded back to the mortgage company. The mortgage company has contracted with a property

maintenance company, Green Group Corporation Property Management, to start cleaning up both the exterior and interior of the property.

224 Willard - The owner was brought back into Court due to non-compliance with a plea agreement. Village prosecutor filed a Petition to Revoke (PTR) the plea agreement, which was scheduled for trial November 19, 2014. The plea agreement was withdrawn upon change in the agreement. Next Court date is January 07, 2015.

14 West 55th - This was sold at Sheriff's sale and deeded back to the mortgage company. They have assigned a property maintenance company who has secured the house, removed the pool, removed the rubbish, repaired the front railing, and continues to maintain the site.

625 Baltimore - This foreclosed property was sold and the new owner(s) has been issued Permits for exterior and interior work.

418 North Warwick - All rubbish, garbage, outdoor storage, and inoperable vehicles have been removed. There still remains several vehicles on the driveway; however, they are all operable, do not fall under the definition of commercial trucks, are parked on hard surface, and appear to have current registrations. Staff will continue to monitor this property.

210 East Chicago/U-Haul Company - After searching through Ordinances back to 1998, no Ordinance was found restricting the number of U-Haul trucks that can be parked on this property. The only thing found was a letter from the owner, Dated February 13, 2007, to Shannon Malik, wherein the owner indicates he will only have four (4) trailers and four (4) trucks on the property at one time. If someone drops off a truck, and the number exceeds the above, they will be removed the next day.

Grass Cutting - This year the Village had the following properties mowed:

125 West Naperville  
220 East 59th Street  
59th and Williams (SW corner) - Liened \$1,015.00  
30 South Hudson - Liened \$530.00  
102 South Lincoln - Liened \$215.00  
900 Cumnor - Liened \$945.00  
301 South Grant - Liened \$430.00  
102 North Grant - Leined \$175.00

Weed liens have been prepared and given to the Village Clerk for filing.

Multi-Family Balcony Storage

Trustee Barker stated that after an issue came up regarding what can be “stored” on a balcony regarding a balcony on Cass Avenue, he was advised that the Village does not have an Ordinance regarding this; however, the Fire Department can incorporate some of their codes into this. A brief discussion followed.

### Temporary Signage

Trustee Barker said this came about regarding the “M/I Homes” signs that are put up at 55th and Cass for over two (2) months now. Chief Mulhearn stated that these only appear on the weekends. Some of these are on private property, which the Village cannot touch and/or do anything about. A brief discussion followed.

Angela stated that when she pulls any signs, she contacts them and advises them not to put the signs in the Village’s parkways.

Vicki stated that staff has begun logging the number of parkway signs which Staff has removed. In the month of November, staff removed approximately forty (40) signs. On average, between all Code Enforcement Staff, typically twenty (20) to forty (40) signs per month are removed. This number is typically much higher during the summer months.

### Alley Program

Vicki stated that the goals of this program are to educate, provide resources, and voluntary compliance.

She also advised of the time frame for this program:

January - Distribute education brochures

March - Perform alley assessment for non-compliance, distribute another education brochure encouraging compliance

April - Hit it hard for compliance

May - formal violation process starts

Vicki asked to have everyone review the final draft and provide any changes, suggestions, resources, etc., and return to her before the end of the year.

### Other Information

Trustee Barker brought up the shoveling of sidewalks. Steve May stated that this is not a code issue (is nature) and staff cannot make someone shovel their sidewalks. However, if a parking lot is plowed onto and over a public sidewalk, staff can make them remove it and clear the walk. Steve further stated that the Village does do some sidewalks, but it is a low priority and they only do it during the day when it is safe.

Next scheduled meeting date - January 22, 2015.

Adjourn

Trustee Barker (and Trustee Senicka) noted that Code Enforcement is doing a great job.

Trustee Barker adjourned the Meeting at 5:00 P.M.

/jp